

Response Under 37 C.F.R. 1.116
EXPEDITED PROCEDURE

...a carriage mechanism, comprising a gripper that grips one of the plurality of primary sample tubes, lifts it, and transports the primary sample tube to the sampling station and returns the primary sample tube from the sampling station to the storing station...

Similarly, claim 20 has been amended as follows in pertinent part:

...a carriage mechanism, comprising a gripper that grips and lifts the primary sample tube contained in a holder, whereby the primary sample tube separates from the holder, and transports the primary sample tube to the sample identification station..

Although the term "gripper" was not recited in claims 1 and 20 in *haec verba* prior to the most recent amendment, it was implicitly incorporated within the recited term "carriage mechanism." For example, as stated on page 7, lines 12-19:

In a preferred aspect of the invention, the front-end system accesses sample tubes from the tube trays or other tube storage locations and provides the sample tubes to a sample identification station. This initial transport of the sample tubes may be accomplished by a sample tube overhead carriage and gripper capable of picking up a sample tube, transporting the sample tube with an acceptable level of accuracy and placing the sample tube at the sample tube identification station.

Based on this description and based on the function of the carriage mechanism as originally recited in the claims (e.g., "carriage mechanism grips one of the plurality of primary sample tubes and transports the primary sample tube to the sampling station"), it is apparent that "carriage mechanism" of the present invention includes "gripper." Therefore, the term "carriage mechanism," as interpreted in view of the specification, includes "gripper."

In fact, in the Final Office Action dated 8/30/2002, the Examiner herself stated that "[t]he specification disclose an overhead carriage and gripper assembly, the carriage is defined within the specification as the rectangular frame, or gantry, which holds the gripper 40." However, the Examiner believed that in order to prevail on their arguments with respect to the cited art, applicants must explicitly

where

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recite the term "gripper" in the claims. As was stated in the response to the Final Office Action, applicants believed that the term "carriage mechanism" should be read in view of the specification to include both a gripper and an overhead carriage assembly. Nevertheless, because applicants believed that the Examiner will allow claims if the term "gripper" is recited in the claims, applicants amended claims 1 and 20 to include term gripper in order to expedite the prosecution of the instant application. *clean*

Based on the foregoing, applicants believe that the Examiner was fully aware that the feature "carriage mechanism" incorporates the feature "gripper" and implicitly considered the feature while reviewing the instant claims and searching the relevant art. Thus, an entry of the amendments of claim 1 and 20 will not require further consideration and/or search by the Examiner.

I'm looking forward to discussing with you these arguments.

Respectfully submitted,

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